

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 17, 2007**

**DIVISION TWO**

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,  
Deputy Clerk.

Each of the following:

B198307 People v. Williams  
B196283 People v. Green  
B195792 People v. Reese  
B194688 People v. King  
B193072 People v. Stockdale  
B192334 People v. Gomez

Argument waived, cause submitted.

B198739     People  
              v.  
              Jordan

Merits:

Argued by Michael E. Goodman, Deputy Alternative Public Defender for  
appellant and by Phyllis C. Asayama, Deputy District Attorney for  
respondent. Cause submitted.

DIVISION TWO (continued)

B196392      Morrowatti  
                 v.  
                 The State Bar of California

Merits:  
Argued by Lara M. Krieger for appellant and by Danielle Lee for  
respondent. Cause submitted.

B197896      People  
                 v.  
                 Davidson

Merits:  
Argued by Susan K. Keiser for appellant and by Sharlene A. Honnaka,  
Deputy Attorney General for respondent. Cause submitted.

B191346      Niems  
                 v.  
                 Niems, et al.

Merits:  
Argued by Jacob N. Segura for appellant and by Barak Isaacs for  
respondents. Cause submitted.

B192086      D & G Autosound, Inc.  
                 v.  
                 State Farm Fire & Casualty Co.

Merits:  
Argued by Mark E. Goodfriend for appellant and by Mitchell C. Tilner for  
respondent. Cause submitted.

DIVISION TWO (continued)

B193714      Valcom, Inc., et al.  
                 v.  
                 Chicago Title Company, et al.

Merits:

Argued by Douglas G. Benedon for appellants; by Christina Yu for respondent Chicago Title Company and by Hillary Ricard for respondent Laurus Master Fund, Ltd. Cause submitted.

B191544      Hempen  
                 v.  
                 Judge William Chidsey, et al.

Merits:

Argued by Sheuvonda B. Hempen, appellant in propria persona and by Molly Murphy, Deputy Attorney General for respondents. Cause submitted.

B194344      Sinolinding et al.  
                 v.  
                 United Staffing Solutions, Inc.

Merits:

Argued by Wilmer J. Harris for appellants and by Howard Fisher for respondent. Cause submitted.

B196070      1124 Marilyn Drive Development, LLC et al.  
                 v.  
                 Shahram Elyaszadeh, et al.

Merits:

Argued by Thomas J. Weiss for appellants 1124 Marilyn Drive Development, LLC et al. and by Jules L. Kabat for appellants Shahram Elyaszadeh, et al. Cause submitted.

DIVISION TWO (continued)

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,  
Deputy Clerk.

Each of the following:

B198820 People v. Beckwith  
B193123 People v. Higginbottom  
B194700 People v. Vidal  
B192557 People v. Lopez  
B196150 People v. Beltran  
B199334 In re Adrien M. et al.  
B203029 In re Jennifer S.  
B195915 In re Chelsea L.  
B197129 In re Elizabeth H.  
B199642 In re Luis R.  
B200612 In re Jesus L.  
B197810 In re Breanna C.

Argument waived, cause submitted.

B193848     Espinoza  
              v.  
              Reyes

Appearances:

Jacqueline Fabe for respondent and appellant having waived of oral  
argument, cause submitted.

DIVISION TWO (continued)

B193838     People  
              v.  
              Wallace

Merits:

Argued by Christine Shaver for appellant and by Zee Rodriguez, Deputy Attorney General for respondent. Cause submitted.

B193026     Film Permits Unlimited Inc.  
              v.  
              Entertainment Industry Development

Merits:

Argued by John Gatti for appellants and by David Dorenfeld for respondents. Cause submitted.

B195939     Luce  
              v.  
              City of Pasadena

Appearances:

Michael Nebenzahl for respondent and appellant having waived of oral argument, cause submitted.

B194741     LeBar  
              v.  
              Cybersocket Inc.

Merits:

Argued by Roger Scott for appellant and by Chad Belville for respondent. Cause submitted.

Justice Doi Todd leaves bench.

DIVISION TWO (continued)

B195288      Takeuchi et al  
                 v.  
                 New Paradise Church of God in Christ

Merits:

Argued by Karol Ingber for appellant and by John Murdock for respondents. Cause submitted.

B194864      In re William G.  
                 v.  
                 DFCS  
                 Ana Marie P. and William G.

Merits:

Argued by Gilbert Sigala for appellant William G.; by Ana Marie P. appellant in propria persona and by Kim Nemoy, Deputy County Counsel for respondent. Cause submitted.

B193932      Elliott et al.  
                 v.  
                 Naud

Merits:

Argued by David Gubman for appellant and by Timothy Gorry for respondent. Cause submitted.

Court adjourned.

B194297      Mohiuddin  
                 v.  
                 City of Gardena

Filed order denying petition for rehearing.

Dec 17, 2007 (Continued)

## DIVISION TWO (continued)

B195611      Leblanc  
v.  
White Memorial Medical Center

Filed order denying petition for rehearing.

DIVISION FOUR

B202203 Hermila C. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

[illegible]

The judgment is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.  
Manella, J.

DIVISION FIVE

B195323      Tiwalolu Shoyinka                      (Not for Publication)  
                 v.  
                 State of California

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                 Kriegler, J.

B194650      Richard Rowsey                              (Not for Publication)  
                 v.  
                 John Tesh

The judgment is affirmed. Each party to bear their own costs.

Armstrong, J.

We concur:   Turner, P.J.  
                 Kriegler, J.

B195383      Hazelle Gobert                              (Not for Publication)  
                 v.  
                 Anatoly Pinchuk

The judgment is reversed. No costs are awarded on appeal.

Kriegler, J.

We concur:   Turner, P.J.  
                 Mosk, J.



DIVISION FIVE (continued)

B194790      Gayle Salter                      (Not for Publication)

v.

Sondra Zeldin et al.,

The judgment is affirmed. Sondra Zeldin, Lorrie Sluder, and Carpet Market Outlet are awarded their costs on appeal.

Kriegler, J.

We concur:    Armstrong, Acting P.J.  
Mosk, J.

B194058      Marisa Isip                      (Not for Publication)

v.

Mercedes Benz USA, LLC

The judgment is affirmed. Marisa Isip is awarded her costs on appeal.

Kriegler, J.

We concur:    Turner, P.J.  
Armstrong, J.

DIVISION SIX

B195395      People

v.

Edgar G.

Additional briefing completed, cause submitted.

## DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B201430      People                          (Not for Publication)  
v.  
Hart

The judgment (order of commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B195881      Meade      (Not for Publication)  
v.  
State of Calif.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Gilbert, P. J.

We concur: Coffee,.J.  
Perren, J.

## DIVISION SIX (continued)

B188344 People (Not for Publication)  
v.  
McDermut

The judgment is affirmed.

Yegan, J.

I concur: Gilbert, P.J.  
I concur: Perren, J. (opinion)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B190563 People (Not for Publication)  
v.  
Harding

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                              Yegan, J.

DIVISION SIX (continued)

B185157      People                      (Not for Publication)  
                 v.  
                 Alvarado

The clerk of the superior court is ordered to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting a stay of the term imposed on count 9, pursuant to section 654. As so modified, the judgment is affirmed.

Coffee, J.

We concur:    Yegan, Acting P.J.  
                 Perren, J.

B195467      People                                      (Not for Publication)  
                 v.  
                 Arreguin

The judgment is modified to impose the following fines and penalties: a \$200 restitution fine; a \$200 parole revocation fine; two \$100 state construction penalties; a \$30 DNA identification fund fine; a \$50 laboratory fee, with a \$10 surcharge; a \$25 state construction penalty; two \$20 court security assessment fees; a \$50 state penalty assessment; and a \$35 county penalty assessment. In all other respects, the judgment is affirmed.

Coffee, J.

We concur:    Gilbert, P.J.  
                 Perren, J.

## DIVISION SIX (continued)

B201399            Jessica M.                                 (Not for Publication)  
v.  
Ventura County Superior Court  
(Ventura County Human Services Agency, r.p.i.)

The petition is denied.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B198187 Santa Barbara County (Not for Publication)  
Child Protective Services  
v.  
Daniel T.  
In re Alyssa O.

The judgment (order terminating parental rights) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

## DIVISION SEVEN

B194824 People (Not for Publication)  
v.  
Maxwell

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

## DIVISION SEVEN (continued)

B193853      People                          (Not for Publication)  
v.  
McClendon

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The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B192446 People (Not for Publication)  
v.  
Muratalla

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B195864      Banuelos                      (Not for Publication)  
v.  
Banuelos

The order denying the motion to quash is reversed and this matter is remanded for further proceedings consistent with the views expressed in this opinion. Each party is to pay its own attorney fees on appeal.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

DIVISION SEVEN (continued)

B197662      People                      Not for Publication)  
v.  
Pimentel

The judgment is reversed. On remand the trial court is to conduct an in camera review of the requested personnel files of Officer Annette Razo and Detective Erik Armstrong for relevance with respect to complaints concerning false charges or reports, fabrication of evidence, dishonesty or moral turpitude. If the trial court's review on remand reveals no relevant information, the trial court is to reinstate the judgment of conviction. If the review reveals relevant information, the trial court must order disclosure, allow Pimentel an opportunity to demonstrate prejudice and order a new trial if there is a reasonable probability the outcome would have been different had the information been disclosed. If no prejudice is shown, the trial court is to reinstate the judgment of conviction.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

B183929 Uzumcu (Not for Publication)  
v.  
Uzumcu

The judgment is affirmed. The cross-appeal is dismissed. Each party to bear his or her own costs on appeal.

Woods, J.

We concur: Perluss, P.J.  
Zelon, J.

DIVISION SEVEN (continued)

B193394      Subcrete Construction, Inc.,      (Not for Publication)  
                 v.  
                 Mehrabian et al.,

The judgment and post judgment orders are affirmed. Respondent is entitled to costs of appeal.

Woods, J.

We concur:   Perluss, P.J.  
                 Zelon, J.

B201628      Elizabeth S.      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Los Angeles Department of Children & Family Services, r.p.i.)

The petition is dismissed.

Woods, J.

We concur:   Perluss, P.J.  
                 Zelon, J.

B193759      People      (Certified for Partial Publication)  
                 v.  
                 Jones

The cause is remanded for resentencing to allow the superior court to consider whether the enhancement imposed under section 12022. subdivision (b)(1), should be stricken under section 1385. In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur:   Woods, J.  
                 Zelon, J.



DIVISION SEVEN (continued)

B191048      Zhou      (Certified for Publication)

v.

Unisource Worldwide, Inc., et al.,

The judgment is affirmed. Zhou is to recover his costs on appeal.

Perluss, P.J.

We concur: Woods, J.

Zelon, J.

B195549      People      (Not for Publication)

v.

Carrillo

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.

Zelon, J.

B191863      People      (Not for Publication)

v.

Marshall

The abstract of judgment is ordered modified to reflect Marshall was convicted of the lesser included offense of possession of PCP in violation of Health and Safety Code section 11350, subdivision (a), rather than the offense of possession for sale of PCP in count 1. As modified the judgment is affirmed. The superior court is directed to forward a copy of the corrected abstract to the Department of Corrections and Rehabilitation.

Zelon, J.

We concur: Perluss, P.J.

Wiley, J. (Assigned)

DIVISION SEVEN (continued)

B196995      Slaughter et al.,                      (Not for Publication)  
                 v.  
                 Union Carbide Corporation et al.,

We reverse the trial court's order of dismissal and remand the matter to the trial court with directions to enter a new order either (1) denying the defendants' motion to dismiss or stay the action, or (2) granting the defendants' motion to stay the action pending a determination as to whether Tennessee has jurisdiction over all named defendants and subject to the agreement of each named defendant to waive any defense based on the Tennessee statute of limitations. Appellants shall recover their costs on appeal.

Zelon, J.

We concur:   Perluss, P.J.  
                 Woods, J.

B195667      Georgieva                                      (Not for Publication)  
                 v.  
                 Barnes & Noble et al.,

The judgment is affirmed. Each party to bear their own costs.

Zelon, J.

We concur:   Perluss, P.J.  
                 Woods, J.

B191783      Nikogosian                                      (Not for Publication)  
                 v.  
                 Odabashian

The judgment is affirmed. Nikogosian is awarded costs on appeal.

Wiley, J. (Assigned)

We concur:   Perluss, P.J.  
                 Woods, J.

DIVISION SEVEN (continued)

[illegible]

The three enhancements imposed but stayed pursuant to section 12022.5, subdivision (a) are stricken. As modified, the judgment is affirmed. The clerk of the superior court is ordered to prepare an amended abstract of judgment as set forth in this opinion and to forward a copy to the Department of Corrections.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

[illegible]

The judgment is affirmed.

Wiley, J. (Assigned)

We concur: Woods, Acting P.J.  
Zelon, J.

B197489 People (Not for Publication)  
v.  
Janeau

The judgment is affirmed.

Wiley, J. (Assigned)

We concur: Woods, Acting P.J.  
Zelon, J.

## DIVISION SEVEN (continued)

B200253          Carrie F.,                                (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles Department of Children & Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

## DIVISION EIGHT

B193749 People (Not for Publication)  
v.  
Bright

The judgment is reversed as to the sentence only and remanded to the trial court for resentencing. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

B195363 People (Certified for Publication)  
v.  
Villa

The conviction on count 3 is reversed. The court security fee is reduced from \$40 to \$20. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.

DIVISION EIGHT (continued)

B191951      Mina Hakimi-Payandeh                      Not for Publication)  
                 v.  
                 Seid Jafar Payandeh

The judgment is affirmed. Respondent Mina Hakimi-Payandeh to recover her costs on appeal.

Rubin, J.

We concur:   Cooper, P.J.  
                 Flier, J.

B188718      Village Northridge Homeowners Association      (Certified for Publication)  
                 v.  
                 State Farm Fire & Casualty Company

The judgment is reversed and the cause is remanded to the trial court with directions to vacate its order sustaining State Farm's demurrer and to enter a new order overruling the demurrer. Village Northridge Homeowners Association is to recover its costs on appeal.

Rubin, J.

We concur:   Cooper, P.J.  
                 Flier, J.